

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ROLAND PRICE,

Plaintiff,

v.

Case No. 09-C-220

GREGORY HEYRMAN,

Defendant.

ORDER DENYING PAYMENT FROM RELEASE ACCOUNT

Plaintiff Roland Price is a prisoner who commenced a civil rights claim against prison officials and paid his initial partial filing fee pursuant to the Prison Litigation Reform Act (“PLRA”), 28 U.S.C. § 1915(b). The action was dismissed for failure to state a claim on October 20, 2009, and Price’s appeal from that order was dismissed on March 23, 2010, after he was denied leave to appeal *in forma pauperis* and failed to pay the appeal filing fee. Price now asks that the Court order that the balance of his filing fee be paid from his release account.

A release account is a restricted account maintained by the Wisconsin Department of Corrections to be used upon the prisoner’s release from custody upon completion of his sentence. Wis. Adm. Code § DOC 309.466. Although the Court can order disbursement from the Release Account for payment of the initial partial filing fee, the PLRA does not require the court to invade that account for payment of the balance. *See* 28 U.S.C. § 1915(b). The balance of payments, after the initial payment, is to equal “twenty percent of the preceding month’s income credited to the prisoner’s account.” 28 U.S.C. § 1915(b)(2). “Nothing in this language can be interpreted as

congressional intent that prisoners deplete savings or release account balances in order to pay off their filing fee debts.” *Carter v. Bennett*, 399 F. Supp. 2d 936 (W.D. Wis. 2005). Given the rationale for segregating funds into a release account, and absent federal statutory authority compelling such a result, I decline to order the balance of plaintiff’s fee to be paid from such account. Accordingly, the motion is **DENIED**.

SO ORDERED this 4th day of April, 2011.

s/ William C. Griesbach
William C. Griesbach
United States District Judge